



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0214/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Ultra Tune Australia</b>
<b>3</b>	<b>Product</b>	<b>Professional services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>13/06/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

2.6 - Health and Safety      Motor vehicle related

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows two inattentive girls driving a motor vehicle along a road and stopping to admire a man out jogging. They ignore the instructions of the satnav to turn left and end up driving in to water and we hear one of the girls say, "Not again". The voice over then says that Ultra Tune encourages safe driving and goes on to promote Ultra Tune Roadside service.

### THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*Our family lost 5 members in a accident which they drowned. They were driving a silver ford falcon. As you can understand this is upsetting to us and other people as well who have suffered this kind of tragedy.*

### THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*We respond to the complaint as follows:*

- 1. The objective of our advertisement is to promote our Roadside service which is service to Ultra Tune Customers who require towing assistance of their vehicle. In the situation depicted in our advertisement the driver would be able to contact our call centre and received assistance.*
  - 2. We view safe driving very importantly at Ultra Tune. It is our belief and philosophy that in order to drive responsibly, drivers should be careful and attentive when behind a wheel and that they should ensure that their vehicles are properly maintained at all times.*
  - 3. It is an unfortunate reality that drivers do become distracted and in-attentive whilst driving which can have serious consequences.*
  - 4. We have made it clear that the driver was distracted whilst driving which resulted in the vehicle being driving into the dam. Indeed we designed the driver distraction to be over the top and cartoonish to inject levity into the advertisement so as to soften the advertisement.*
  - 5. Nevertheless we did want to make it clear to the public the importance of safe driving and we make that public statement in the voiceover.*
  - 6. We sympathise and extend our condolences to the complainant for the tragedy they have suffered. We do note the relative small segment of the public that has suffered such a tragedy (though not less painful) when compared to other similar tragedies. Our advertisement is not intended to cause distress and we regret any distress it caused to the complainant.*
  - 7. However we believe that our advertisement conveys the need for safe driving whilst still delivering our commercial message.*
- We do not believe the commercial breaches Section 2 of the AANA Advertisers Code of Ethics in any way.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement portrays an example of poor driving behavior and makes light of a serious matter.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that the advertisement shows two young women driving along a country road, pausing to make comment to a male running by. The women are laughing and talking and ignoring both the direction given by the in car navigation system, and the direction and nature of the road they are driving along.

The Board noted the advertiser’s response that while the advertisement shows an example of what can happen if the driver is not paying attention to the road, the scene was designed to be exaggerated and humorous so that while it highlights the service offered by Ultratune for

towing and car maintenance, it would also reflect a real life situation that could happen to anyone at any time.

The Board noted that the intention of the advertisement is to set a scene that is realistic and familiar to drivers across Australia. The Board considered however that the behaviour of the girls trivializes the fact that they are not paying attention to the road and one of the girls is heard to say “not again!” This adds strength to the argument that the girls have possibly been involved in a similar incident and have not learnt or changed their behavior as a consequence of their actions.

The Board considered that there is a very serious and genuine community concern regarding road safety and issues surrounding negligent driving and that the behavior of the woman driving was contrary to community standards on safe driving.

Based on the above, the Board determined that the advertisement did depict material contrary to prevailing community standards on health and safety and did breach Section 2.6 of the Code.

The Board noted the potentially distressing suggestion of the women in the car under water but considered that although possibly upsetting, was not a breach of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board upheld the complaint.

## **ADVERTISER RESPONSE TO DETERMINATION**

We are obviously disappointed with the determination. However, we are making amendments to the advertisement in question. We anticipate that our media production agency will have completed the revisions early next week. It will then be forward to CAD for an approval number.